

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

File Docket No.

BON-3835

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SHOULDER ORTHOSIS**, the specification of which

(check one) ☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

\_\_\_\_\_  
(Number) (Country) (Day/Month/Year Filed)

☐ Yes ☐ No

\_\_\_\_\_  
(number) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status—patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.) (Filing Date) (Status—patented, pending, abandoned)

Power of Attorney: As a named inventor, I hereby appoint the following attorneys: Thomas L. Tarolli, Reg. No. 20,177; Robert B. Sundheim, Reg. No. 20,127; Calvin G. Covell, Reg. No. 24,042; Barry L. Tummino, Reg. No. 29,709; Paul E. Szabo, Reg. No. 30,429; Stephen D. Scanlon, Reg. No. 32,755; each with full powers of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: **TAROLLI, SUNDHEIM, COVELL, TUMMINO & SZABO**  
**1111 LEADER BUILDING, CLEVELAND, OH 44114-1400**

DIRECT TELEPHONE CALLS TO: **CALVIN G. COVELL, (216) 621-2234.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Full name of sole or first inventor **PETER M. BONUTTI**

Inventor's signature *Peter M. Bonutti* Date 5/26/98

City EFFINGHAM County EFFINGHAM State ILLINOIS Citizenship U.S.A.

Post Office Address 1303 WEST EVERGREEN PLAZA, EFFINGHAM, IL 62401

2) Full name of second joint inventor, if any **CHRISTOPHER A. LEO**

Signature of Inventor *Christopher A. Leo* Date 5-17-98

City EFFINGHAM County EFFINGHAM State ILLINOIS Citizenship U.S.A.

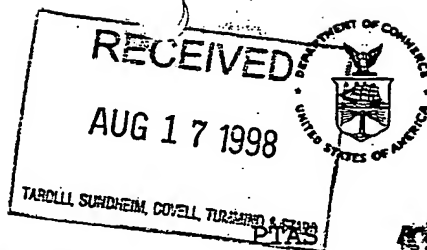
Post Office Address RT 2, BOX 1, EFINGHAM, IL 62401

3) Full name of third joint inventor KEVIN R. RUHOLL

Inventor's signature *Kevin R. Ruholl* ✓ Date 5-19-98

City TEUTOPOLIS County EFFINGHAM State ILLINOIS Citizenship U.S.A.

Post Office Address 16088 E. 1470TH AVENUE, TEUTOPOLIS, IL 62467



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 10, 1998

TAROLLI, SUNDHEIM, ETAL.  
CALVIN G. COVELL  
1111 LEADER BUILDING  
CLEVELAND, OH 44114



\*100730335A\*

BOB-3835  
SGC

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/01/1998

REEL/FRAME: 9215/0657  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEO, CHRISTOPHER A.

DOC DATE: 05/28/1998

ASSIGNOR:

RUHOLL, KEVIN R.

DOC DATE: 05/28/1998

ASSIGNEE:

BONUTTI, PETER M.  
1303 WEST EVERGREEN PLAZA  
EFFINGHAM, ILLINOIS 62401

SERIAL NUMBER: 09088134  
PATENT NUMBER:

FILING DATE: 06/01/1998  
ISSUE DATE:

DOROTHY RILEY, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

6-09-1998



SHEET

Attorney Dock t No. BON-3835

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commission

100730335

the attached original documents or copy thereof.

1. Name of conveying party(ies):  
**CHRISTOPHER A. LEO**  
**KEVIN R. RUHOLL**

*MRD*  
*6-1-98*

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: MAY 28, 1998

2. Name and address of receiving party(ies)

Name: **PETER M. BONUPTI**

Internal Address: JUN 1 1998

Street Address: 1303 WEST EVERGREEN PLAZA

City: EFFINGHAM State: IL ZIP: 62401

Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: MAY 28, 1998

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: CALVIN G. COVELL

Internal Address: TAROLLI, SUNDHEIM, COVELL,  
TUMMINO & SZABO

Street Address: 1111 LEADER BUILDING

City: CLEVELAND State: OH ZIP: 44114

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

06/08/1998 DCOATES 00000036 09088134

DO NOT USE THIS SPACE

01 FC:581

40.00 CP

9. Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

CALVIN G. COVELL

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document 3

ASSIGNMENT

WHEREAS, we, CHRISTOPHER A. LEO, and KEVIN R. RUHOLL, of Effingham, County of Effingham, and State of Illinois; of Teutopolis, County of Effingham, and State of Illinois, respectively, have made new and useful improvements in SHOULDER ORTHOSIS;

WHEREAS, PETER M. BONUTTI, an individual, residing in Effingham, County of Effingham, State of Illinois, is desirous of acquiring the entire right, title and interest in and to the said improvements and all patents therefor to be obtained in the United States of America and countries foreign to the United States;

NOW THEREFORE, BE IT KNOWN that for valuable considerations to me paid, the receipt whereof is hereby acknowledged, we, the said CHRISTOPHER A. LEO and KEVIN R. RUHOLL, do hereby assign, sell and set over unto the said PETER M. BONUTTI, his successors, heirs and/or assigns, the entire right, title and interest in and to the said improvements and any and all inventions pertaining thereto, the application for United States Patent executed by us respectively on the 28 day of May, 1998, and the 28 day of May, 1998, all patents granted therefor in the United States of America and elsewhere, and the right to apply for patents therefor in all countries foreign to the United States and to claim for such applications the priority of United States applications, and we hereby request the Commissioner of Patents of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents, to issue such patents to the said PETER M. BONUTTI, his successors, heirs and/or assigns; and we further agree to execute such other applications and other instruments and do all other acts as may be deemed necessary by the said PETER M. BONUTTI, his successors, heirs and/or assigns, in order to fully secure, protect and preserve his rights to the said improvements and to obtain patents therefor in the United States of America and all countries foreign to the United States, all without further consideration but at the expense of the said PETER M. BONUTTI, his successors, heirs and/or assigns.

Signed at Bonutti Orthopedic Services  
County of Effingham and State of Illinois  
this 28th day of May, 1998.

Christopher A. Leo  
CHRISTOPHER A. LEO



} SS:

On this 28th day of May, 1998, personally appeared before me CHRISTOPHER A. LEO to me known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and the purposes therein mentioned.

Paul M. Meyer  
Notary Public

BEST AVAILABLE COPY

Signed at Spauld Orthopedic Services  
County of Effingham and State of Illinois  
this 28th day of May, 1998.

Kevin R. Ruholl  
KEVIN R. RUHOLL

OFFICIAL SEAL  
STATE OF ILLINOIS  
JANET M. MEYER  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 02/25/01  
COUNTY OF

} SS:

On this 28th day of May, 1998,  
personally appeared before me KEVIN R. RUHOLL to me known to be the  
person named in and who executed the above instrument, and  
acknowledged to me that he executed the same for the uses and the  
purposes therein mentioned.

Janet M. Meyer  
Notary Public

SEAL

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): P. Bonutti et al.

Attorney Docket No: 781-A02-006-1

Application No.: 09/579,038

Group Art Unit: 3764

Filed: May 26, 2000

Examiner: D. Pothier

For: SHOULDER ORTHOSIS

**REVOCATION AND POWER OF ATTORNEY**

Commissioner for Patents  
Washington, DC 20231

Sir:

PETER M. BONUTTI, the assignee of the above-captioned application as evidenced by the attached copy of an assignment from the parent Application No. 09/088,134, (now U.S. Patent No. 6,113,562), recorded at Reel 9215/ Frame 0657 on June 1, 1998, by the U.S. Patent and Trademark Office, hereby cancels all previous Powers of Attorney in the captioned application and hereby appoints the following attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith:

Paul D. Bianco (Reg. No. 43,500)  
Martin Fleit (Reg. No. 16,900)  
Robert C. Kain (Reg. No. 30,648)

Jon A. Gibbons (Reg. No. 37,333)  
Stephen C. Bongini (Reg. No. 40,917)  
Jose Gutman (Reg. No. 35,171)

all of Fleit, Kain, Gibbons, Gutman & Bongini P.L. having an address of 601 Brickell Key Drive, Suite 404, Miami, FL 33131. In addition, please change the correspondence address, i.e. send correspondence to and direct phone calls to:

CUSTOMER NUMBER  
33771

The above-identified attorneys are now to be indicated to have the full power to prosecute the above-captioned application before the U.S. Patent and Trademark Office.

Date:

2/17/03



Peter M. Bonutti